

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ASTELLAS US LLC, ASTELLAS  
PHARMA US, INC. and GILEAD  
SCIENCES, INC.,

Plaintiffs,

v.

APOTEX INC.,

Defendant.

C.A. No. 18-1675 (CFC)  
(Consolidated)

**STIPULATION AND ORDER**

The parties in the above-identified action hereby agree, subject to the approval of the Court, that the parties will not submit *Daubert* briefing and reserve the right to object to expert testimony at trial, and that the following deadlines shall control the remainder of this action<sup>1</sup>:

Event	Deadline *
Plaintiffs provide draft pretrial order according to the sections set forth in Local Rule 16.3(c) as required by this Court's Scheduling Order (D.I. 45), including joint sections, Plaintiffs' sections, and proposed trial exhibits and deposition designations in native format	April 26, 2021
Plaintiffs produce copies of proposed trial exhibits	April 27, 2021

*\* Please note change for pre-trial conference.*

<sup>1</sup> Plaintiffs, Apotex, Accord, DRL, Hospira and IMS agree that this Stipulation relates only to the trial currently scheduled to begin June 14, 2021, and also agree that any provision in this Stipulation will not apply to any trial later scheduled by the Court (e.g., an infringement trial involving any of Accord, Apotex, DRL, Hospira, or IMS).

Event	Deadline
Defendants provide responses to joint sections and Plaintiffs' proposed trial exhibits and deposition designations, Defendants' sections, and Defendants' proposed trial exhibits and deposition designations in native format	May 10, 2021
Defendants produce copies of proposed trial exhibits	May 11, 2021
Parties exchange proposed motion <i>in limine</i> topics and, thereafter, meet and confer to determine which requests are agreed upon and which requests are contested.	May 14, 2021
Plaintiffs provide objections and counter-designations to Defendants' proposed trial exhibits and deposition designations	May 17, 2021
Parties exchange opening motions <i>in limine</i> , which are to be included (together with oppositions and replies) in the final joint proposed pretrial order; Consistent with this Court's Scheduling Order (D.I. 45 at ¶ 17), each side shall be limited to three (3) requests, and each <i>in limine</i> request may be supported by a maximum of three (3) pages of argument per request.	May 19, 2021
Defendants provide objections to Plaintiffs' counter-designations	May 24, 2021
Parties exchange oppositions to motions <i>in limine</i> , which are to be included in the final joint proposed pretrial order; replies will not be submitted Consistent with this Court's Scheduling Order (D.I. 45 at ¶ 17), each <i>in limine</i> request may be opposed by a maximum of three (3) pages of argument.	May 25, 2021
Parties exchange lists of miscellaneous issues to be resolved	May 25, 2021

Event	Deadline
Parties meet and confer on trial logistics to include in pretrial order, including, as required by this Court's Scheduling Order (D.I. 45 at ¶ 16) and Local Rule 16.3, the number of hours for trial presentations, process for impeachment, process for objections to scope of expert testimony, process for motions for judgment as a matter of law, and post-trial briefing; Deadline for parties to meet and confer regarding designations or other miscellaneous issues concerning the pretrial order.	May 26, 2021
Parties file joint proposed pretrial order (including exhibit lists and objections, deposition designations and objections, and motion <i>in limine</i> briefing) by 5:00 p.m.	May 27, 2021
Parties exchange endorsed trial exhibits	May 28, 2021
Pretrial conference, <del>4:00 p.m.</del> 2 <sup>00</sup> p.m.	June 3 <sup>rd</sup> , 2021
Trial, 8:30 am (at least four court days)	June 14, 2021

Dated: April 14, 2021

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IT IS SO ORDERED on this 18<sup>th</sup> day of April, 2021.

  
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The Honorable Colm F. Connolly